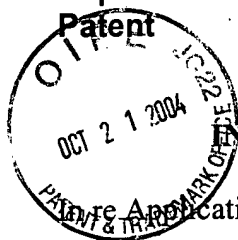


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ATTORNEY DOCKET NO.: D0932-00457
[I-8882]



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of: Murray S. Toas et al.

Confirmation No. 3304

Serial No.: 10/817,342

Group Art Unit: 1731

Filed: April 2, 2004

Examiner:

For: **METHOD AND APPARATUS FOR FORMING SHIPLAP EDGE IN AIR DUCT
BOARD USING MOLDING AND MACHINING**

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Express Mail Label No.: EV 394060803 US

10/25/2004 GWORDOF1 00000048 041679 10817342

03 FC:1460 130.00 DA

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service using express mail Post Office to addressee service, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

10/21/04
Date
Joseph A. Pown

**PETITION BY JOINT INVENTORS FILING ON BEHALF OF OTHER JOINT
INVENTOR WHO REFUSES TO JOIN IN APPLICATION (37 CFR 1.47(a))**

Dear Sir:

Joint inventors, Murray S. Toas, Greg Mattix, and Dave Pacana hereby sign and petition to make this application on behalf of the non-signing joint inventor John Forsythe, who refuses to join in the application.

This petition is accompanied by proof of the pertinent facts and the last known address of the non-signing inventor as set forth in the accompanying statement of facts in support of filing on behalf of non-signing inventor.

A copy of the specification, claims and drawings was sent to Mr. Forsythe on April 5, with a request that he sign the Declaration and Power of Attorney enclosed therewith. No response was received. The Declaration was again sent to Mr. Forsythe on August 6, 2004, with a request for his signature. Although Federal Express confirmed delivery of the second request, no response was ever received. Another copy of the specification, claims and drawings was sent to Mr. Forsythe on October 8, with another copy of the Declaration. Although Federal Express

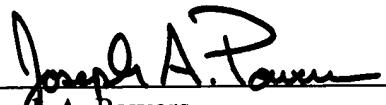
confirmed delivery of the third request, to date, Mr. Forsythe has never responded to any of these requests.

Enclosed herewith are:

1. A statement by Steven E. Koffs proving the pertinent facts; and
 2. A declaration signed by the inventors who have joined the application on behalf of the inventor who refuses to join the application.
- [x] The Commissioner is hereby authorized to charge the fee set forth in 37 CFR § 1.17(h) to Deposit Account No. 04-1679. A duplicate copy of this transmittal is attached.
- [x] The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679. A duplicate copy of this transmittal is attached.

Respectfully submitted,

DATE: October 21, 2004


Joseph A. Powers
Registration No. 47,006
Attorney for Applicant(s)

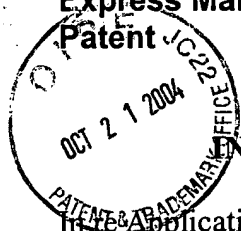
DUANE MORRIS LLP
One Liberty Place
Philadelphia, PA 19103-7396
Telephone: 215-979-1842
Fax: 215-979-1020

Express Mail Label No. EV 394060803 US

Patent

ATTORNEY DOCKET NO.: D0932-00457

[I-8882]



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Murray S. Toas et al.

Confirmation No. 3304

Serial No.: 10/817,342

Group Art Unit: 1731

Filed: April 2, 2004

Examiner:

For: **METHOD AND APPARATUS FOR FORMING SHIPLAP EDGE IN AIR DUCT BOARD USING MOLDING AND MACHINING**

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service using express mail Post Office to addressee service, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

10/21/04

Date

Joseph A. Power

STATEMENT OF STEVEN E. KOFFS

Dear Sir:

I, Steven E. Koffs, hereby certify the following:

1. I filed this patent application on April 2, 2004. On April 2, I mailed the application, as filed, to all of the inventors, along with a Declaration and Power of Attorney. The cover letter requested that the inventors sign the application.
2. On April 5, I learned that one of the inventors, John Forsythe, had moved. On April 6, I re-sent a copy of the application (as filed) to Mr. Forsythe at his new address, 8400 S. Maryland Parkway, Apt. 1064, Las Vegas, NV 89123, with the Declaration and Power of Attorney and an Assignment. (Copy attached as exhibit A.)
3. On August 6, 2004, I again sent the Declaration and Power of Attorney to Mr. Forsythe at his new address, and again requested that he sign the document. The letter indicated, "We need to complete the filing of this application by August 13, 2004. If we do not hear from you before that date, we must assume that you do not intend to sign the documents." A copy of

this letter is attached as Exhibit B. The Federal Express tracking record (copy attached as Exhibit C) indicates that the delivery was made to Mr. Forsythe on August 10, 2004.

4. I did not hear back from Mr. Forsythe.

5. On October 8, I sent a final letter to Mr. Forsythe, again enclosing a copy of the application, including specification and claims, the drawings, a Declaration and Power of Attorney, and an Assignment. The letter indicated, "Please return the signed documents to us by October 15, 2004. If we do not hear from you by that date, we must assume that you do not intend to sign the documents." A copy of the letter is attached as Exhibit D. The Federal Express tracking record (copy attached as Exhibit E) indicates that the delivery was made to Mr. Forsythe on October 11, 2004.

6. To this date, I still have not received any response to any of my letters from Mr. Forsythe.

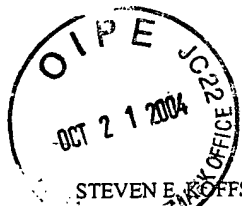
Respectfully submitted,

DATE: 10/19/04

Steven E. Koffs
Steven E. Koffs

DUANE MORRIS LLP
One Liberty Place
Philadelphia, PA 19103-7396
Telephone: 215-979-1250
Fax: 215-979-1020

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STEVEN E. KOFFS
DIRECT DIAL: 215.979.1250
E-MAIL: SEKoffs@duanemorris.com

www.duanemorris.com



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April 2, 2004

Mr. Murray Toas
CertainTeed
1400 Union Meeting Road
P.O. Box 1100
Blue Bell, PA 19422

Greg Mattix
CertainTeed Corporation
750 East Swedesford Road
P.O. Box 860
Valley Forge, PA 19482

John Forsythe
~~4809 DeMilo Drive~~
Houston, TX 77092

4/6/2004
Remailed to:
8400 S. Maryland Parkway
Apt. 1064
Las Vegas, NV 89123

David M. Pacana
CertainTeed Corporation
1400 Union Meeting Road
P.O. Box 1100
Blue Bell, PA 19422

Re: New U.S. Patent Application of Murray S. Toas et al. for "Method and Apparatus for Forming Shiplap Edge in Air Duct Board Using Molding and Machining"
Filed: April 2, 2004
CertainTeed Ref.: I-8882
Duane Morris Ref.: D0932-00457

Gentlemen:

Enclosed is a copy of the utility U.S. patent application papers filed with the U.S. Patent and Trademark Office via express mail today. We will forward a copy of the Official Filing Receipt upon receipt thereof.

I am also enclosing a **Declaration and Power of Attorney** to be signed by you along with an **Assignment**. In the Declaration, you attest to the fact that you are an inventor, among other things, and confirm your duty to disclose to the Examiner any pertinent prior art of which you are aware. Please sign and return to me the Declaration.

The Assignment transfers the intellectual property rights of the invention from the inventors to CertainTeed Corporation. Please notarize the assignment document, and return it to me, along with the Declaration and Power of Attorney, for filing in the USPTO.

DUANE MORRIS LLP

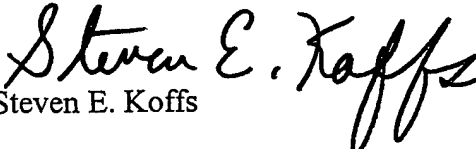
ONE LIBERTY PLACE PHILADELPHIA, PA 19103-7396
PH1V1188589.1

PHONE: 215.979.1000 FAX: 215.979.1020

Mr. Murray Toas
Greg Mattix
John Forsythe
David M. Pacana
April 2, 2004
Page 2

If you have any questions, please do not hesitate to contact me.

Sincerely,


Steven E. Koffs

SEK/wlscc: Mr. Alexander H. Plache, Esquire (with enclosures)
John Carre (with enclosures)
Peter J. Cronk (without enclosures)

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STEVEN E. KOFFS
DIRECT DIAL: 215.979.1250
E-MAIL: SEKoffs@duanemorris.com

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PALM BEACH
WESTCHESTER

August 6, 2004

VIA FEDEX (Tracking No. 8371 2444 2978)

John Forsythe
8400 S. Maryland Parkway
Apt. 1064
Las Vegas, NV 89123

**Re: U.S. Patent Application Serial No. 10/817,342 of Murray S. Toas et al. for
"Method and Apparatus for Forming Shiplap Edge in Air Duct Board Using
Molding and Machining"
Filed: April 2, 2004
CertainTeed Ref.: I-8882
Duane Morris Ref.: D0932-00457**

Dear Mr. Forsythe:

Enclosed is a copy of a Declaration and Power of Attorney and an Assignment of rights to CertainTeed Corporation with reference to the above-identified matter.

Please sign and date the Declaration and Power of Attorney and sign the Assignment in the presence of a notary for filing in the USPTO. The **Assignment** transfers the intellectual property rights of the invention to CertainTeed Corporation. I am enclosing a self-addressed FedEx envelope (*Tracking No. 8371 2444 2989*) for your convenience. Please return the signed documents to me in the enclosed prepaid envelope.

We need to complete the filing of this application by **August 13, 2004**. If we do not hear from you before that date, we must assume that you do not intend to sign the documents.

If you have any questions, please feel free to call.

Sincerely,


Steven E. Koffs

DUANE MORRIS LLP

ONE LIBERTY PLACE PHILADELPHIA, PA 19103-7396
PHI\1223450.1

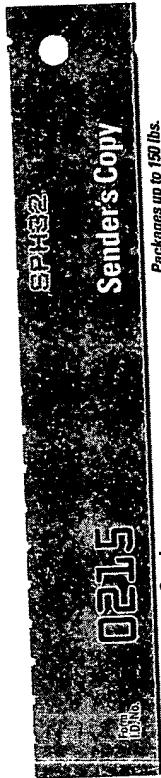
PHONE: 215.979.1000 FAX: 215.979.1020

John Forsythe
August 6, 2004
Page 2

cc: Mr. Murray Toas (without enclosures)
Greg Mattix (without enclosures)
David M. Pacana (without enclosures)
Mr. Alexander H. Plache, Esquire (with enclosures)
John Carre (with enclosures)
Peter J. Cronk (without enclosures)

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Phone (215) 979-1000

Company DUANE MORRIS LLP

Address 1650 MARKET ST

City PHILADELPHIA State PA ZIP 19103-7301

2 Your Internal Billing Reference D0932-00457 (I-8882)

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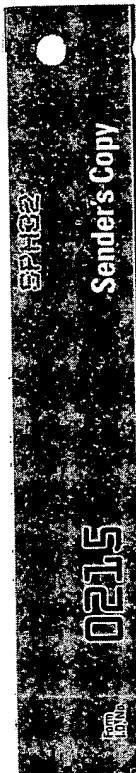
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 Signed for by J.FORSYTHE
 Ship date Aug 6, 2004
 Delivery date Aug 10, 2004 12:20 PM

Reference D0932-00457
 Delivery location LAS VEGAS, NV
 Delivered to Residence
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October 8, 2004

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WESTCHESTER

Re: U.S. Patent Application Serial No. 10/817,342 of Murray S. Toas et al. for
"Method and Apparatus for Forming Shiplap Edge in Air Duct Board Using
Molding and Machining"
Application No. 10/817,342, Filed: April 2, 2004
CertainTeed Ref.: I-8882 Duane Morris Ref.: D0932-00457

Dear Mr. Forsythe:

Enclosed is a copy of a copy of this patent application, including the specification, claims, drawings, a **Declaration and Power of Attorney** and an **Assignment** of rights to CertainTeed Corporation with reference to the above-identified matter.

We have asked before that you sign these papers. We have now been notified by the Patent Office that the papers are overdue.

Please sign and date the Declaration and Power of Attorney and sign the Assignment. I am enclosing a self-addressed FedEx envelope (*Tracking No. 8371 2444 3069*) for your convenience. Please return the signed documents to me in the enclosed prepaid envelope.

Please return the signed documents to us by **October 15, 2004**. If we do not hear from you by that date, we must assume that you do not intend to sign the documents.

If you have any questions, please feel free to call.

Sincerely,

A handwritten signature in black ink that reads "Steven E. Koffs".
Steven E. Koffs

DUANE MORRIS LLP

ONE LIBERTY PLACE PHILADELPHIA, PA 19103-7396
PH1\1241736.1

PHONE: 215.979.1000 FAX: 215.979.1020

John Forsythe
October 8, 2004
Page 2

cc: Mr. Murray Toas (without encls); Greg Mattix (without encls)
David M. Pacana (without encls); Mr. Alexander H. Plache, Esquire (without encls)
John Carre (without enclosures); Peter J. Cronk (without enclosures)



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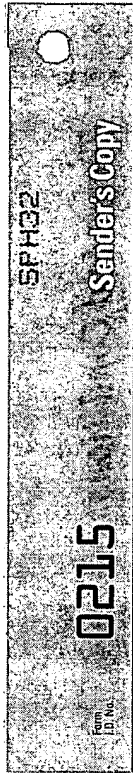
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☐ Other

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 FedEx Acct. No. 0191-1935-1
 Credit Card No.
 Total Packages 1 Total Weight \$ Total Declared Value \$
 Your liability is limited to \$100 unless you declare a higher value. See back for details.
8 Release Signature Sign to authorize delivery without obtaining signature.

447

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.
 SPS Rev. Date 4/02/01 4/15/01 US © 1994-2002 FedEx. PRINTED IN U.S.A.

FedEx USA Airbill
 Express
 Tracking Number 8371 2444 3069

1 From Please print and press hard.
 Date 10/11/2004 Sender's FedEx Account Number 0191-1935-1
 Sender's Name John Forsythe c/o Steven E. Koffs
 Company DUANE MORRIS LLP
 Address 1650 MARKET ST
 City PHILADELPHIA State PA ZIP 19103-7301
 Dept./Floor/Suite/Room

2 Your Internal Billing Reference D0932-00457
 First 24 characters will appear on invoice. ZIP [1-8882]

3 To
 Recipient's Name Steven E. Koffs
 Company Duane Morris LLP
 Address 1650 Market Street
 Address One Liberty Place
 City Philadelphia State PA ZIP 19103-7301
 Dept./Floor/Suite/Room

4
 Address 1650 Market Street
 Address One Liberty Place
 City Philadelphia State PA ZIP 19103-7301
 Dept./Floor/Suite/Room

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Tracking number 837124443058
Signed for by J.FORSYTHE
Ship date Oct 8, 2004
Delivery date Oct 11, 2004 11:35 AM

Reference
Delivery location
Delivered to
Service type
Weight

D0932-00457 I-888 2
LAS VEGAS, NV
Residence
Priority Pak
1.0 lbs.

Status Delivered

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Date/Time	Activity	Location	Details
Oct 11, 2004	11:35 AM Delivered	LAS VEGAS, NV	
	8:12 AM On FedEx vehicle for delivery	LAS VEGAS, NV	
Oct 9, 2004	1:20 PM At local FedEx facility	LAS VEGAS, NV	
	10:43 AM Delivery exception	LAS VEGAS, NV	Customer not available or business closed
	8:11 AM On FedEx vehicle for delivery	LAS VEGAS, NV	
	5:23 AM At dest sort facility	LAS VEGAS, NV	
Oct 8, 2004	5:04 AM In transit	MEMPHIS, TN	Departed location
	12:15 AM In transit	MEMPHIS, TN	Departed location
	10:13 PM Left origin	PHILADELPHIA, PA	
	5:32 PM Picked up	PHILADELPHIA, PA	
		PHILADELPHIA, PA	

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